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# *The Commonwealth of Massachusetts*

## *Department of Public Safety*

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Thomas G. Gatzunis, P.E.  
Commissioner

Thomas P. Hopkins  
Director

### **Board Meeting Minutes – July 28, 2014**

#### **21<sup>st</sup> Floor – Conference Room 1**

#### Present Board Members:

- Walter White, Executive Office of Public Safety Designee, Chair (WW)
- Myra Berloff, Massachusetts Office on Disability Director (MB)
- Raymond Glazier, Executive Office on Elder Affairs Designee (RG)
- Diane McLeod, Vice Chair (DM)
- George Delegas, Member (GD)
- Carol Steinberg, Member (CS)

and

- Kate Sutton, Program Coordinator/Clerk for Proceedings (KS)

#### Members Not Present:

- Andrew Bedar, Member (AB)

- Meeting began at 9:00 a.m.

#### 1) Discussion: Roll Call

WW - Call to order all but Raymond Glazier present

#### 2) Discussion: Arrowhead Museum, 780 Holmes Road, Pittsfield (V13-316)

- KS - EXHIBIT July 24, 2014 e-mail from Will Garrison, Curator of the Arrowhead Museum, including pictures of the completed work at the Visitor's Center Barn
- July 14, 2014 amended decision accepted the submittal of a status report and required that pictures of the completed accessible toilet rooms within the barn be submitted no later than July 28, 2014.

- decision also reiterated the need for status reports every three (3) months until a completion of the required work
- pictures show sink and grab bars comply, but also show trash barrels and shelving within the clear floor space under the sink and next to the toilet

*CS - accept the submittal of the pictures, on the condition that the clear floor space is kept clear with the moving of the shelves and trash barrels*

*MB - second – new pictures showing items removed submitted within 14 days receipt of decision*  
*- unanimously*

3) Discussion: Burns Family Trust Parking Lot, 850-856 Washington Street, Weymouth (C13-018)

KS - EXHIBIT – July 15, 2014 e-mail from Richard Burns, with attached plan of proposed accessible parking spaces laid out on July 8, 1994 site plan

- July 14, 2014 order of the Board was to find in favor of the Complainant regarding the lack of accessible parking spaces, and the location of the accessible parking spaces not being closest to the tenant space entrances

- also ordered that a plan for compliance for the distribution of the accessible parking spaces at both the front and rear of the building was to be submitted to the Board by July 24, 2014, and the spaces striped no later than August 15, 2014, or a fine hearing will be scheduled.

- the plan shows a van accessible parking space at the front of the building (8' access aisle and 9' space) and a standard accessible parking space at the rear (5' access aisle and 9' space); plans also show a 5' access aisle along the building at both the front and rear.

*CS - accept the submitted plan, and require that striping be completed August 15, 2014, with pictures of parking striped within one week or fine hearing scheduled*

*MB - second – carries unanimously*

4) Discussion: Intersection of Old Driftway and Stockbridge Road, Scituate (C10-077 and V13-287)

KS - EXHIBITS – July 9, 2014 letter from Laura Brelsford, Assistant General Manager for System-Wide Accessibility for the MBTA; July 2, 2014 e-mail from William Shine, Community Advocate for Independence Associates, including pictures of the completed sidewalk work

- Required work to create two new curb cuts and a crosswalk has been completed and verified as compliant with the applicable requirements for slopes

*CS - accept the pictures and close the case*

*RG - second – carries with MB abstaining*

5) Discussion: Casco Crossing Apartments, Buildings 1-4 and Community Building, 168 River Road, Andover (C14-012 & V14-131)

KS - EXHIBITS – July 22, 2014 letter from Adrienne Manson and Robert Dias, Client Services Advocate for Massachusetts Office on Disability (MOD); July 23, 2014 Fax from Katherine Bishop about notice of visit to her apartment; July 25, 2014 letter from Adrienne Manson.

- Decision from July 14<sup>th</sup> hearing sent to all parties concerned on July 24<sup>th</sup>

- Decision of the Board was to

- find in favor of the Complainant
- require that a plan for compliance for the noncompliant areas of the entrance to Building 1 (submit by August 1<sup>st</sup>)

- confirm that Mr. Ciampa's unit in Building 3 complies with the requirements of 521 CMR for Group 1 units (submit by August 1<sup>st</sup>)
- Grant a variance for the lack of distribution of Group 2A units, therefore allowing all of the Group 2A units to be located in Building 1
- Require that as-built plans of Buildings 1-4 are submitted to the Board by August 1<sup>st</sup>
- Approve the following deadlines:
  - Building 1 automatic door opener – August 1, 2014
  - Building 1-4 fire extinguishers – September 1, 2014
  - Community Building Thresholds at entrances – October 1, 2014
  - Sidewalks and Walkways – November 1, 2014
  - All buildings public entrances accessible – December 1, 2014
  - Parking – June 1, 2015
  - Accessible parking spaces signage – June 15, 2015
  - Interior handrails – October 1, 2015
  - Community Building public toilet rooms – December 1, 2014
  - Community Building Kitchen – February 1, 2016
  - Community Building Swimming Pool – September 1, 2015
  - Community Building Drinking Fountain – July 1, 2016

- Received July 22<sup>nd</sup> letter from Manson and Dias of MOD (sent to all parties concerned with the decision)

- July 22<sup>nd</sup> letter from MOD submitted on behalf of Thomas Ciampa and Katherine Bishop, residents of Casco Crossing whose complaints gave rise to the Board's action in this case

- the letter requested an appeal of the Board's decision to grant a variance for the lack of distribution of the Group 2A units, with all Group 2A units allowed to remain in Building 1

- the appeal was made based on the statement that Mr. Ciampa and Ms. Bishop felt as though Casco Crossing representatives offered no oral testimony as to why creating the Group 2A units in other buildings would be technologically infeasible, and that they felt as though there would be a substantial benefit if the Group 2A units were provided in other buildings.

- the letter noted that Building 1 has a significant mold infestation in the basement and on the first floor, and that "a strong odor of mold exists inside the elevator"; the letter also noted that Mr. Ciampa refused to be moved to Building 1 due to his severe mold allergy; Buildings 2-4 do not have a mold problem, according to the July 22<sup>nd</sup> letter

- the letter also included minutes from the Andover Board of Health Meeting regarding mold mitigation at Casco Crossing

- the letter also addressed the accommodation needs of Mr. Ciampa in his existing unit (which was not viewed by Mr. Hopkins during the site visit due to the lack of access into the building and unit), such as grab bars, removal of thresholds, installation of a higher toilet, and installation of an automatic door opener at the main entrance to his building

- the letter also addresses Ms. Bishop's issues within her residence, such as lack of access to the patio from her residence having a 4 inch step, and her request for a front-load washing machine after her original machine broke and was replaced with a top-load washer

- the MOD letter also requests that whatever plan is put in place in Building 1 is implemented in Buildings 2, 3 and 4 as well

- July 25, 2014 from Manson requests reconsideration of the timeframe for the parking signage and the work at the sidewalks and walkways, stating that the Andover Board of Health had previously ordered cuts would be completed by the end of June 2014 (noted as a result of Mr. Ciampa's request to have accessible parking and curb cuts near his building entrance).

- need to either reopen and consider appeal, or reaffirm previous decision

CS - reopen -  
RG - second – carries with MB abstaining  
DM - reestablish the date for accessible parking and signage to November 15, 2014  
CS - second – carries with MB abstaining

DM - possibly reconsider decision regarding distribution in light of recent submittal, and upon receiving as-built plans per the previous decision of the Board at the next meeting of the Board  
RG - second – carries with MB abstaining

DM - Expedite decision  
CS - second – carries with MB abstaining

6) Discussion: Lincoln Village, 134 Country Club Boulevard, Worcester (V14-093)

KS - EXHIBIT – July 17, 2014 submittal from David Goslin, Project Architect (Crosskey Architects)  
- submittal of cost estimates for conversions of units to accessible units  
- also noted that the conversion of some of the multi-bedroom units to accessible units would reduce the number of bedrooms by one (1) therefore reducing the rental income  
- the letter reiterated that the conversion from townhouses to flats would reduce units' marketability, and the loss of a private half-bath in the master suite of the three-bedroom units would also reduce both an amenity and marketability  
- costs of conversions vary from \$52,737 to \$113,550

- since motion was to continue, need to review and finalize decision and then expedite to add to decision being sent out on the 29<sup>th</sup>

**Andrew Bedar, Member – Now present (AB)**

DM - grant as proposed, on the condition that the accessible units are distributed throughout the high-rise buildings  
GD - second – carries with MB abstaining and CS opposed

DM - expedite and add to decision  
RG - second - carries unanimously

7) Incoming Discussion: Cahoon Museum of American Art, 4676 Falmouth Road, Cotuit (V14-105)

KS - EXHIBIT – July 16, 2014 (received by the Board July 24, 2014) letter from Steven Cook, Owner of Cotuit Bay Design LLC, seeking Board's approval for temporary CO  
- Board previously voted on May 12, 2014 that no building permits should be issued until the case was adjudicated before the Board at the August 11, 2014 hearing  
- On June 5, 2014, the Board received an e-mail request to allow permits for Phase 1 work of the project to begin now, so that they could build during the summer season  
- On June 30, 2014, the Board voted to lift the "no permits" order so that Phase 1 could begin, noting that the issuance of any permits were "at-risk permits" and would not alleviate the requirement to comply with any orders rendered at the August 11, 2014 hearing  
- most recent letter from Cook states that he was notified by the Cahoon Museum Board of Directors that they have received a significant donation to the Building Fund that would support the construction of the Phase 2 portion of the project. Phase 2 construction will consist of a new addition to the existing museum, creating new gallery space, lecture/classroom space, on-site art storage, a new gift shop area, and an outdoor courtyard area for events. There will also be an elevator and new compliant stairs within the addition

- seeking an extension to the August 11, 2014 hearing to be continued to a date on/after September 15<sup>th</sup>, so that a plan for Phase 2 of the project can be finalized

*DM - grant the hearing extension*

*MB - second - carries*

8) Discussion: Blackington Building, 572 Main Street, Sturbridge (V14-007)

KS - EXHIBIT – Decision from June 30, 2014 administrative review of Motion for Reconsideration

- reiterated previous motion of the Board from the hearing, and add that the May 31, 2015 deadline for complete first floor access to the first floor was reasonable

- argument from Calvin Annino, Jr. (attorney for the building owner) in the June 20, 2014 stated that the building was operating at a loss and full access at the first floor would not be possible by May 31, 2015

- are you requiring just access into the building, i.e. ramps/entrance as shown in entry/accessibility site plan L1.1 by Architecture EL (Exhibit 3 from the May 12, 2014 hearing), or full compliance at the first floor by May 31, 2015?

- Attorney argues that the need for \$150,000 to do the required work to widen the sidewalk and install the ramp can still not be completed by May 31, 2014, due to the amount of approvals of site plans and permitting, as well as the need to raise the required funds to comply

*MB - reiterate that the motion is to require an accessible route and entrance into the building by May 31, 2015, with temporary occupancy allowed until such time that access is provided, with the understanding that the building occupancy may be rescinded if access not provided in compliance with the order of the Board at that time;*

*DM - second – carries unanimously*

9) Discussion: Blackington Building, 572 Main Street, Sturbridge (V14-007) – cont'd

*DM - motion to expedite the decision*

*CS - carries unanimously*

10) Discussion: Nappi's Restaurant and Shop & Go Convenience, 370-374 Salem Street, Medford (C11-004 & V12-196)

KS - EXHIBITS – July 14, 2014 letter from Joseph Nappi; July 21, 2014 letter and plan submittal from Joseph Nappi regarding proposed front entrance ramps

- July 14, 2014 decision stated that the two (2) ramps to the two (2) tenant entrances as shown in the submitted "Proposed Accessibility Improvement Plan" shall be installed in full compliance with all applicable requirements of 521 CMR

- July 14<sup>th</sup> letter from Nappi apologizes for the lack of appearance of his representative at the scheduled hearing, and requested an abatement of the \$500 fine for his lack of appearance

- July 21<sup>st</sup> letter requested an amendment to the decision to have a 36" ramp to the Shop & Go entrance, and due to the need to maintain the minimum sidewalk clearance in front of the building and an existing city tree

**WW - not present; CS as acting chair**

*MB - accept the 36" width between the handrails*

*AB - second – carries with DM abstaining*

*MB - at this time, not abate any fines*  
*RG - second – carries with DM abstaining*

*MB - expedite*  
*RG - second – carries with DM abstaining*

**WW - now present**

11) Incoming: Turner's Seafood at Lyceum Hall, 43 Church St., Salem (V14-175)

**KS** - EXHIBIT – variance application and supplemental information (PLANS)  
- reconstruction/remodeling/alteration work, costing \$592,324; permits also pulled in 2013 for a total cost of \$231,545; building valued at \$638,000 – over 30%, jurisdiction is 521 CMR 3.3.2  
- building is a historic two-story brick building with a basement and small attic/loft area  
- basement is used for food and dry goods storage, food prep and office space; first floor is a full service restaurant; second floor is a function facility; attic/loft space is access to the mechanical room and storage area  
- seeking a variance to install a vertical wheelchair lift to the second floor function space  
- project will extend the sprinkler system to the second floor, improve access to second means of egress from the second floor and upgrade and make accessible the two existing second floor toilet rooms. The project will also update finishes and paint and upgrade the second floor kitchen equipment  
- based on the layout of the building and the amount of space an elevator or LULA would require for a pit, the petitioners propose the use of a compliant vertical wheelchair lift to create access from the first floor up to the second floor function room  
- An amendment received on July 7, 2014, also requested a variance for the lack of access at the Church Street entrance, due to an existing 6" granite foundation step  
- there are two entrances to the building, one at church street and a courtyard entrance off the Cervoni Walkway (a wide pedestrian route along the east side of the building)  
- an accessible entrance to the building was created in 1989; in 2009 the Board granted a variance for the lack of access at Church Street, based on the fact that the work performed at that time was under 30% and that the Cervoni Walkway courtyard entrance ramp was brought into compliance with 521 CMR, with a suggestion that a portable ramp be provided at the Church Street entrance and an automatic door opener be provided at the courtyard entrance  
- July 7<sup>th</sup> amendment states that the current courtyard entrance ramp is compliant and signage is provided at the southeast corner of the building identifying the entrance.

- variance for the use of a vertical wheelchair lift (521 CMR 28.12.2) and lack of access at North Street entrance (25.1)

*MB - continue this for further information regarding the submittal of analysis of creating access to the front entrance*

*DM - second*

*MB - rescind motion*

*CS - require more information about the accessible route*

*DM - second –*

*- remove the second*

*CS - withdraw motion*

*MB - grant for the front door, on the condition that the accessible entrance is open and unlocked during hours of operations, signage at the door and along the path of travel to the accessible entrance, and that*

*there is a policy in place to notify that someone has entered the accessible entrance; and lower the directional signage to a compliant signage height of 60" to center of the sign*

*RG - second – carries unanimously*

*MB - grant use of compliant vertical wheelchair as means of access to second floor*

*DM - second – carries unanimously*

12) Incoming: Highland Heights Family Development, Oak Court & Highland Court, Taunton (V14-176)

KS - EXHIBIT – variance application and supplemental information

- spending \$2,500,000-3,000,000; complex is assessed at \$1,594,600 – over 30%, jurisdiction is 3.3.2

- complex is 40 apartments in 20 two-story duplex buildings at 2 adjacent sites; 18 apartments at

Highland Court and 22 apartments at Oak Court; units are two and three-bedroom townhouse-style apartments

- project is modernization of kitchens and baths, which were built in 1953, and will also include exterior renovations and reconstruction of paved drives and re-striping of parking areas

- seeking a variance for the lack of accessible units, based on an estimated cost of \$300,000 to convert an existing building of paired duplex units to a first floor accessible unit and an inaccessible second floor unit

- The Taunton Housing Authority seeks a variance to not provide the 5% accessible units within this complex, based on the fact that throughout the Taunton Housing Authority complexes, the amount of accessible units provided currently exceeds the requirements from AAB. Of the State funded units, 5.5% throughout the Housing Authorities portfolio are accessible (12 of 218 units), and of the Federally funded units, 7.6% are accessible (43 of 568 units), for a combined average of 7% accessible units throughout the Taunton Housing Authorities portfolio (55 of 786 units).

- based on the fact that 55 of the 786 units owned and operated by the Taunton Housing Authority are accessible, Petitioners seek a variance to 9.4 for the lack of accessible Group 2A units (2 required). Based on 9.4.2 (and if true townhouses, with firewalls to and through the roof) would need to create a fully accessible flat, or provide space for the future installation of a vertical wheelchair lift or a residential elevator

*CS - hearing*

*DM - second – carries*

13) Incoming: Stockbridge Library, 46 Main Street, Stockbridge (V14-177)

KS - EXHIBIT – variance application and supplemental information (PLANS & PICS)

- spending \$2,310,874, value of the building is \$813,333 – over 30%, jurisdiction is 3.3.2

- building is a two-story (plus basement) brick building, housing a library, museum and archives

- the building is on the National Register of Historic Places as part of the Main Street Historic District of Stockbridge

- building currently contains the museum at the lower level (one flight down from the entrance level with no access), and the library occupies the main level and mezzanine in the east wing, as well as part of the lower level with offices and meeting space

- new plans are to create a new entrance into the building from the south side of the building into a “secure lobby” providing an individual entrance to the Library, the Museum and the public meeting space on the lower level; allowing the new lobby to serve each separate use during operating hours of their choosing

- new elevator within the addition will connect the main level to all four levels (two lower levels, the main level and the mezzanine level).

- the new entrance will connect with Elm Street via a walk and accessible street parking at the end of the walk

- also providing accessible bathrooms, a new accessible circulation desk, new compliant bookcases and furniture, and a new stair and compliant handrails

- seeking variance for the lack of access at the historic North entrance (521 CMR 25.1)
  - entrance is a secondary entrance; new south entrance will be considered the new main entrance
  - creating an entrance to the ramp would require a ramp of over 47 feet long and would impact the historic façade

*CS - deny and would like to see a plan for ramp in the front*

*RG - second – motion fails upon the vote of the chair after a vote of 3-3*

*MB - grant on the condition that two accessible parking spaces (two van spaces) are provided adjacent to the new accessible entrance, with parking plan and overall site plan (to scale) showing any parking in the vicinity of the library to be submitted by August 19, 2014*

*DM - second – carries with CS opposed*

**KS** - seeking variance for 521 CMR 26.11.1 and 26.11.3, door hardware and operation

- existing library lobby, Jackson Wing and Bement Room are being preserved as historic spaces, including the existing door with antique knob hardware

- these door remain open in an open position, except when closed for security reasons, i.e. when a function or event is held in another area of the building, these doors would be closed, otherwise they are left open, therefore making the door hardware moot

*MB - grant as proposed*

*AB - second – carries unanimously*

**KS** - variance for mezzanine stairs and handrails (521 CMR 27.4.1 and 27.4.2)

- the historic stair to the mezzanine has a decorative stair rail on the inside, while a compliant handrail is proposed to be installed at the wall side of the stair, with the handrail returned to the wall at either side of the historic memorial plaque at the stair landing

- the new elevator and compliant stair in the new addition will also access the same areas as these historic stairs

*MB - grant as proposed*

*AB - second – carries unanimously*

*MB - require accessible handrails at the front entrance*

*DM - second- carries unanimously*

*MB - require installation of directional signage at the front entrance*

*DM - second- carries unanimously*

### ***BRIEF BREAK***

14) Incoming: 22 Federal Street, Nantucket (V14-178)

**KS** - EXHIBIT – variance application and supplemental information (PLANS); July 11, 2014 letter from Nantucket Commission on Disability



- anticipated cost of construction is \$1,000,000 (\$100,000 demo permit issued on May 28, 2014); building value is \$442,300; spending is over 30% - jurisdiction is 3.3.2
- building is proposed to be a center for culinary arts education facility with three floors. The lower level will be a café and prep kitchen; the first floor will be a teaching kitchen and a traditional classroom space; the second floor will be a demonstration kitchen and a classroom or office space; and there will be a private office (not open to the public) at the mezzanine level
- the project is a gut renovation of the building interior, along with the removal of a previous addition and exterior wheelchair lift; and the addition of a new addition with a new egress stair and the installation of a LULA to provide access from the street to all three floors of the building that will be open to the public (lower, 1<sup>st</sup> and 2<sup>nd</sup> floors)
- seeking a variance for the lack of access at Entrances A, B and D; Entrances C and E will not require variances since C is a service entrance and E is the entrance that will enter from the courtyard into the interior lobby where the LULA is proposed to be located
  - Entrance A is the primary entrance to the 1<sup>st</sup> and 2<sup>nd</sup> levels from the courtyard on Federal Street, but is 5'2" above grade and is accessed from a porch
  - since the building is in a historic district, any change to the front of the building requires a review of the Historic District Commission (HDC); the HDC required the restoration of the porch, resulting in a ramp to the porch taking up a large portion of the adjacent courtyard
  - Entrance B is the entrance to the lower level from Federal Street and given the proximity of the entrance to the lot line and the sidewalk, along with the change in level of 5' 4" below grade to the entrance, a ramp would not be feasible
  - Entrance D is on Broad Street and is mainly an egress stair exit, which may at times be used as an entrance
- KS - variance for the use of a limited-use-limited-application (LULA) elevator with a 90 degree door with a cab dimension of 51" by 51"
  - one plan shows doors at first level LULA into Lobby and into classroom/café space (90 Degree turn required), and larger plans don't show second opening
  - letter from Commission on Disability supports the requested variances

CS - *hearing*

MB - *second – carries unanimously*

MB - *need more details on the entrances (pictures and more detailed plans) and detailed plans about the LULA, and the landings for the LULA*

DM - *second – carries unanimously*

#### 15) Hearing: Drumlin Farm Wildlife Sanctuary, 208 South Great Road, Lincoln (V08-026)

- WW - called to order at 11:15 a.m.
- introduce the Board

Stuart Weinreb – Mass Audubon Director of Capital Assets & Planning (SW)

- WW - SW sworn in
- EXHIBIT 1 – AAB 1-63

SW - thanks to the Board Staff

- accessible routes throughout the site over the years
- creating a new program space in the service barn
- working barn that is currently not accessible to the public
- creating a small addition classroom at the south side of the building, which would be accessible from the exterior and from the parking space
- accessible route to the farmyard, fully accessible bathroom within the building
- recently got a variance from the plumbing board to provide one instead of two unisex accessible toilet rooms
- parking is proposed to not be within 200 feet of the building and no drop-off zone is proposed
- AAB58 site plan
- utility yard in between South Great Road and Service Barn, which is an option, but would like to require people to come to the Nature Center first and would provide accessible parking on a program only basis when requested
- first floor of the service barn is part of CSA, people come in to pick up their produce once a week; in the winter, the root vegetables are stored in the basement level; can find out who would require access to the CSA winter members, and could either have the accessible parking for those pickups or can bring the produce out to the CSA member

GD - would make accommodations for parking next to the barn  
 SW - can put out a sign when we know when someone will be needing parking for a program, so can put program parking signage up  
 - can also have staff person available to help people with directions

AB - notice on the website?  
 SW - yes, included some screen shots about the accessible features of the farm  
 - can contact the farm and schedule for parking for programs

CS - offer power wheelchairs available  
 SW - that was talked about to get people to more remote access or further into the property  
 - would be happy to explore that and may be fundable  
 - the one thing that she found was that people are used to their own chair and don't want to switch to other wheelchairs

CS - *grant on the condition that policy is well noted in literature and on the website about ability to accommodate parking closer to the building upon request*  
 RG - *second – carries unanimously*

SW - two levels  
 - new multipurpose classroom space will be fully accessible; no interior vertical access to the second floor, only used by staff or potentially a member of CSA  
 - do have one or two occasional part time volunteers  
 - CSA members that come to pick up their produce  
 - in the basement of the barn, there is a root cellar, and is more of a crop function, but would like to be able to show people the state of the art root cellar  
 - CSA members only come to the first floor and can bring items out to them if needed  
 - root cellar tours would be guided  
 - cost of an elevator makes the project infeasible; cost of project is approximately \$300,000 and elevator is \$150,000  
 - offering outreach to the CSA members to bring produce to them if needed  
 - volunteers are matched to the available jobs on site

- crop work is heavy work, but sometimes all it is putting out produce, so the first level will be accessible

- for the lack of access to the root cellar, are proposing high quality video that is available at the first floor for those unable to access the cellar

GD - can access the main level of the barn?

SW - yes, main level is really a working space, can get into the space, but not regularly open to the public

- can move the activity to somewhere else that is accessible if need be

- project is 99% about new program space that is going to be 100% accessible

CS - what do the volunteers do for work?

SW - sometimes working on equipment

- sometimes unloading crops into the building

- probably couldn't move CSA aspect of the program

- need to have a good fit for what they are able to do and what can be done

- we have many other volunteer areas that are accessible and a way to get involved with the farm

CS - have you looked into a vertical wheelchair lift?

SW - no, because would like to create access to all levels of the building if access is provided

- tours of the root cellar?

SW - can access the root cellar via at-grade doors at the lower level to create direct access into the space

- can try to make access into the space

SW - AAB34 shows the root cellar doors

CS - *grant the variance for the lack of access to the second floor, on the condition that accommodation are made for volunteers as proposed*

DM - second –

MB - AAB34 doors lead to the root cellar?

SW - yes

- *is there an accessible route to those doors?*

- *carries unanimously*

MB - what needs to be done to get an accessible route into the root cellar?

SW - AAB25, grade change of 3 feet to the lower level of the barn; which would require a safe path of travel to the lower level

- would rather see access to the root cellar instead of a video

CS - *grant the variance for the lack of vertical access to the root cellar, on the condition that an accessible route and entrance to the root cellar is provided, with the option to amend the variance for additional requests for the walkway or entrance if requested*

DM - second – *carries unanimously*

SW - Drumlin Farm process question

- more projects are proposed and may be internal into the site

- will need many variances for the lack of strict compliance of parking at each program space

WW - will need a variance for each project, even though the majority of the variances would be parking location requests and lack of drop-off areas

- can ask for a blanket variance for the ability to provide closer parking upon request

MB - all of the parking is at the main parking lot, but would not need parking at each building if not regularly provided to all

- may just submit advisory opinion request to get something in writing, to ask if parking would be required to provide parking where there are no general parking lots provided within the site, just one main parking lot

- there is no road and parking at each building

SW - can offer compliance alternative since this project is so close to South Great Road, but another project coming up is across the fields and not accessible via a vehicle

16) Incoming: Commercial Building, 80-90 Glenway Street, Dorchester (V14-180)

KS - EXHIBIT – variance application and supplemental information (PLANS & PICS)

- proposed spending is \$175,000, building value is \$176,900; over 30%, jurisdiction 3.3.2

- single-story commercial building with 4 retail tenants (Laundromat, barbershop, church, and small market) that are accessed via one or more steps to the front entrance; Laundromat is 10.5” above the sidewalk, Barbershop is 9.5” above the sidewalk, church is 6” above the sidewalk and market is 16” above the sidewalk

- project is part of City of Boston’s ReStore Storefront Improvement Program, administered by the Department of Neighborhood Development

- Petitioners propose to create noncompliant ramps with automatic door openers to the four front entrances to the tenant spaces

- proposed slopes are 10.2%, 12.1%, 7.5% and 16%

MB - would like to see the City raise the sidewalk to mitigate the slopes

*MB - continue and require that the Petitioners go to the City of Boston regarding raising a portion of the sidewalk, no permits for construction until a plan is received, reviewed and approved by the Board*

*DM - second – carries unanimously*

17) Incoming: Ink Block, Apt. Building #1, 300 Harrison Avenue, Boston (V14-181)

KS - EXHIBIT – variance application and supplemental information

- new construction of residential apartment building with eight floors and a first floor lobby and amenity spaces; 91 apartments on floors 2-8

- seeking variance for the lack of compliant sink depth in Group 1 and 2 kitchens (521 CMR 43.3.2 and 45.4.5)

- proposing 8” deep sinks

- building management will stock 3 sinks with a depth of 5 inches, providing an undermount sink with a total depth of 6 ¼ inches; sinks will be kept onsite to be installed by the building ownership immediately upon the request of a tenant

- lease agreements will specifically indicate that a tenant is able to request a shallower sink (in compliance with 521 CMR) provided by the owner of the building at no additional cost to the tenant

*MB - grant as proposed,*

*DM - second – carries unanimously*

18) Incoming: Ink Block, Apt. Building #2, 310-348 Harrison Avenue, Boston (V14-182)

- KS - EXHIBIT – variance application and supplemental information
- new construction of mixed-use building of 5 floors, with the first floor retail and 134 apartment units on floors 2-5; parking in basement and shared pool deck and outdoor courtyard on second floor
  - seeking variance for the lack of compliant sink depth in Group 1 and 2 kitchens (521 CMR 43.3.2 and 45.4.5)
  - proposing 8” deep sinks
  - building management will stock 3 sinks with a depth of 5 inches, providing an undermount sink with a total depth of 6 ¼ inches; sinks will be kept onsite to be installed by the building ownership immediately upon the request of a tenant
  - lease agreements will specifically indicate that a tenant is able to request a shallower sink (in compliance with 521 CMR) provided by the owner of the building at no additional cost to the tenant

*DM - grant as proposed*

*MB - second – carries unanimously*

19) Incoming: Ink Block, Apt. Building #3, 350-354 Harrison Avenue, Boston (V14-183)

- KS - EXHIBIT – variance application and supplemental information
- new construction of mixed-use building with eight floors; first floor retail and 91 apartments on floors 2-8
  - seeking variance for the lack of compliant sink depth in Group 1 and 2 kitchens (521 CMR 43.3.2 and 45.4.5)
  - proposing 8” deep sinks
  - building management will stock 3 sinks with a depth of 5 inches, providing an undermount sink with a total depth of 6 ¼ inches; sinks will be kept onsite to be installed by the building ownership immediately upon the request of a tenant
  - lease agreements will specifically indicate that a tenant is able to request a shallower sink (in compliance with 521 CMR) provided by the owner of the building at no additional cost to the tenant

*DM - grant as proposed*

*MB - second – carries unanimously*

### ***Lunch Break***

20) Hearing: The Atomic Café, 52 & 56 State Street, Newburyport (V14-103)

- WW - call the hearing to order at 1 p.m.
- introduce the Board

Sarah Bellino, Attorney for Atomic Café (SB)

John Mahoney, Owner of Atomic Café (JM)

Andrew Mahoney, Owner of Atomic Café (AM)

Jeffrey Rizzo, Common St. Design (Architect) (JR)

- WW - all sworn in
- EXHIBIT 1 – AAB1-39

- SB - Atomic Renovated an inside space, and jurisdiction triggered based on spending on the building
- currently use a temporary ramp as a means of access into the space
  - photos of the temporary ramp in place

- JR - once you start moving the supporting structures of the old building, may lead to more problems  
- have implemented the use of the portable ramp over the step at the entrance
- SB - some of the dollar amounts are unknown, since don't know what would happen if cut into the foundation, since State Street is one long row of continuous building, may be a large structural issue
- WW - cost estimates for plans
- JR - Option B, recessing the entry and ramping up the threshold  
- would require removal of the existing step and shoring up floor joists, and moving of a sprinkler head; probably \$60,000 (since cost of shoring up floor joists was not part of the estimate)  
- Option C, construct a full compliant ramp inside the building  
- would require 8 foot long ramp and would cost \$40,000 without shoring up of floor joists  
- Option D, install a platform lift  
- cost of that project is \$55,000
- WW - were you the architect for the initial project  
JR - yes  
- all of the interior is compliant, but did not look at the entrances since the property line is at the building edge  
- never intention to dismiss access into the building, was waiting for direction from the City of Newburyport on how they wanted them to proceed; go into
- CS - slope of portable ramp  
JF - slope is 1:12 or less  
- who knows how to setup the ramp?  
AM - kept right inside the front door and all the staff know how to set up the ramp  
- toilet rooms comply?  
AM - yes, there are two accessible toilet rooms
- SB - all of the tables are also accessible
- GD - what's to the right of the building?  
SB - another tenant, not another alley until 4 businesses down  
- can you enter from the rear?  
AM - public alley at the rear, there is an 8" step down into the building at the rear  
- considered entrance to the space from the rear of the building?  
AM - very small kitchen, and the rear was the only space that the kitchen could be located; kitchen is 12' by 13'
- AB - not enough room on the sidewalk?  
AM - they want the sidewalks clear in the winter to plow the sidewalks
- RG - width of the ramp?  
AM - 36", since it is the width of the ramp  
- concerned with an 8' ramp with no curbing and no handrails  
AM - there is a lip on each side of the ramp
- RG - level entrance at the book store, so can go through the book store into the building

- SB - there is a step from the book store into the café
- MB - do the café and book store communicate between the two
- AM - there is a fire door, separate ownership
- MB - door between the two spaces, do customers move between the two spaces
- AM - property and business is owned by a different owner
- it's a fire door that can be opened when both spaces are opened to allow customers to travel between the two spaces
- RG - are those load bearing walls beside?
- DM - what is the difference from the sprinkler main to the door?
- JF - 5 feet to the jam of the door
- DM - how wide is the sidewalk?
- AM - about 12 feet wide brick sidewalk
- DM - approached the Town at all about approaching an easement to create a permanent solution into the store
- AM - have not officially approached them, they have been told that it would not be allowed
- SB - Newburyport is not receptive of those plans
- WW - have had municipalities that have entered into lease agreements with the building owners to create on ramp on public sidewalk along the façade
- MB - there are a lot of ways that these businesses along this route could work with the business owners to create accessible entrances to these store fronts with license agreements
- happy to hear that the ramp is in front and adjacent to the entrance
- CS - does someone hold the ramp steady when in use?
- AM - yes, it is secured by a staff member
- CS - *grant as proposed, on the condition that all staff members are made aware of the policy for the temporary ramp*
- DM - *second – carries with AB and GD opposed*
- MB - what about the step between the two businesses
- can go from café to the bookstore?
- can you use the portable ramp for access into the bookstore if requested
- MB - *signage at the entrance to the bookstore from the café, if you need ramp assistance to access the bookstore, please ask staff for assistance in utilizing the portable ramp*
- DM - *second*
- AB - any research into rails system

GD - just need to maintain the staff to be trained and would like to see the ramp kept in place at the front entrance during hours of operation, even with the lack of handrails; otherwise may be discouraged from coming into the café

WW - floor was raised or lowered?

JR - floor was raised, unsure if permits were pulled since it was prior to the current owners

AM - the project was large enough that it triggered requirement of sprinkler system

WW - call for vote regarding signage and proposal of use of the portable ramp at the interior

- the Board would like to see the City to start doing more work to make the businesses throughout the area be accessible

*- motion carries with AB and GD opposed*

21) Incoming: Multiple Dwelling, 170 Parker Hill Road, Boston (V14-184)

KS - EXHIBIT – variance application and supplemental information (PLANS & PICS)

- existing two buildings on one parcel; both are 5-story multi-family residential apartment buildings with 45 apartments each, for a total of 90 apartments

- proposed project is deletion of one studio apartment at the first floor and replacing it with a manager's office

- spending a total of \$1,200,000 (\$500,000 at 170 Parker Hill Ave. & \$700,000 at 30 Iroquois St.)

- buildings are valued at a total of \$4,765,600 – jurisdiction is 3.3.1b, based on the fact that 30% of the value is \$1,429,680

- one variance sought for 521 CMR 25.1 regarding the lack of accessible entrance to the Parker Hill Road building

- main entrance to Parker Hill is 2' 11" below the sloping sidewalk, which would require 50 feet of ramp (including 3 level landing areas), which is longer than the frontage along the right side of the building

- left side of Parker Hill is separated from the sidewalk by a retaining wall in which grade along the building façade is several feet below the sidewalk

- the existing elevator within Parker Hill does not reach an accessible level at the first floor and is only 64" wide by 39 ½ inches deep (wall to wall) and 44 1/2 inches deep (wall to door). The first floor is 3' 7" below the main entrance

- Iroquois has similar issues, but will allow for the installation of a compliant ramp to create an accessible entrance, since the entrance vestibule is at the same elevation as the first floor

CS - *grant as proposed*

MB - *second – carries unanimously*

22) Incoming: Commercial Building, 181 South Main Street, Middleton (V14-185)

KS - EXHIBIT – variance application and supplemental information

- new construction of a 1 story 3,000 square foot commercial building housing a real estate office and an insurance office

- seeking variance to 30.7.1 regarding minimum single user toilet room dimensions



- work was not built as-built and inspection of the toilet room found that the grab bars would not fit between the toilets and sinks due to a 2.5” discrepancy
- minimum dimension of the room is 69.5” instead of 72”
- to create a fully compliant solution the sink would have to be moved to the opposite wall and the plumbing and electrical lines must be relocated
- Petitioners argue that the current design does provide for a usable toilet room, with an additional 9.5” between the toilet and the forward wall and 1” more than the required dimension between the toilet and the sink

*MB - grant as proposed*

*DM - second – carries*

### **Brief Break**

23) Hearing: First Parish Unitarian Universalist Church, 630 Massachusetts Avenue, Arlington (V14-111)

- WW - called to order at 2 p.m.  
 - introduce the Board

Ellen Lee, Church Member and member of design committee for the church (EL)

Peter Noble, LDa Architects (PN)

- WW - both sworn in  
 - EXHIBIT 1 – AAB1-26

- CS - very familiar with the church  
 - no objection to CS sitting on the Board

- PN - met with Tom Hopkins 6 months ago to review the process  
 - variance is based on the excessive cost of compliance  
 - building is on Mass. Ave. 24-25,000 square feet total  
 - 4<sup>th</sup> sanctuary building to be built on the site  
 - left the parish house and then built new one story parish house and multiple level sanctuary with one large open floor and a mezzanine  
 - need for access and more use space as well as energy efficiency  
 - currently only accessible at the ground floor  
 - existing parish house is 3 floors with no access at the basement and second floor  
 - goal of the project is to make the larger side of the parish houses accessible, not much work planned at the sanctuary  
 - demolition plans (KS – submit as part of the record)  
 - ramp into the first floor of the parish house  
 - lower level there is no occupiable space under the sanctuary  
 - project is focusing on the vestry and parish house buildings  
 - for the most part the first floor is accessible  
 - new elevator creates access to the basement level of the Parish House and up to the second floor  
 - mezzanine in sanctuary proposed to not be made accessible

- renovating the parlor and creating office and classroom within the first floor of the Parish House
- reconnecting the annex with a sloped floor
- four-stop elevator

Andrew Leonard, member of building committee now present (AL)

WW - AL sworn in

PN - new accessible toilet rooms and kitchenettes at all floors of the Parish House  
 - maintaining two egress stairs  
 - intent is to make the entire facility accessible in the future

EL - anyone who needs an accessible space can be located at the first floor, in lieu of having access to the balcony

PN - exterior door at the sanctuary does not have maneuvering clearance at the pull side  
 EL - courtyard entrance

*CS - grant the lack of maneuvering pull side clearance at the courtyard side entrance to the sanctuary, providing 14" instead of 18"*

*GD - second – carries unanimously*

PN - corridor side is not 18" at the pull side  
 AL - have about 8-10" of clearance

*CS - grant the lack of maneuvering clearance at the first floor sanctuary corridor door*

*GD - second – carries unanimously*

CS - raised portion of the choir area, used to be accessible

AL - have a portable ramp that can be used at two locations to create access to the risers  
 - can perform on the floor level as well  
 - not a compliant ramp, but does allow for a means of access to the choir area

PN - door into library choir area, within a masonry wall

*MB - grant the lack of maneuvering clearance at the library choir area door*

*DM - second – carries unanimously*

AL - portable ramp is used for access to the choir area  
 - but the ramp does not comply

CS - need a variance for change in level to the choir area

WW - need to submit amendment to the variance

CS - amendment be submitted regarding any change in levels that do not provide permanent accessible

MB - second – submit by August 19, 2014 – carries unanimously

PN - seeking variance for lack of access to the mezzanine level  
- would need an elevator and deconstruct the whole balcony because it is too steep  
- cost of full compliance at the mezzanine is \$850,000

MB - how is it used, overflow seating?

AL - yes overflow seating for sanctuary events

CS - is there wheelchair accessible seating within the sanctuary

EL - can provide spaces throughout due to the use of movable chairs for sanctuary seating

CS - grant the variance for the lack of access to the mezzanine, on the condition that the mezzanine is used for overflow seating only.

DM - second – carries unanimously

AL - the slope of the walkway up from Mass. Avenue to the front door  
- can create compliant walkway to east exterior patio within the next 3 years  
- are applying for grants to complete the work

MB - grant a time variance for the lack of access to the east exterior patio accessible to September 1, 2016, on the condition that status reports every 6 months starting February 1, 2015

DM - second –

CS - would like an automatic door opener to help with maneuvering at the door

MB - require that automatic door opener added at this entrance during this phase of construction

DM - accept – carries unanimously

PN - variance for stairs no longer required, will provide compliant handrails

DM - no variance needed, based on the fact that compliant handrails will be provided

MB - second – carries unanimously

AL - can upgrade the kitchen within the next 5 years  
- adjustable counter in the middle of the work space

GD - any noncompliant door hardware?

AL - all lever hardware or being upgraded to lever hardware

MB - grant a time variance September 1, 2017 for the kitchen to be brought into compliance; with status of kitchen project to be included with the patio access reports

CS - second – carries unanimously

## No more DM

24) Hearing: Three Floor Rooming House, 39-41 Irving Street, Worcester (V14-106)

WW - called to order at 3 p.m.  
- introduce the Board

George Valeri, Owner (GV)

Raphael Hernandez, Designer (RH)

Charbel Najem, Contractor (CN)

WW - all sworn in  
- EXHIBIT 1 – AAB1-191

CN - building suffered major fire damage, resulting in the major renovation  
- applied for permit to close up the building last year since fire caused large hole in the flat roof  
- obtained a roofing permit to close the roof  
- employed Raphael to put together the access plans

MB - was a rooming house, and there is a proposal to turn it into micro apartments

CN - no, since the project of micro apartments were too hard to obtain permitting for, going to maintain as rooming house

RH - footprint lot, with the perimeter of the lot lines of the building is too small to accommodate any parking; so no parking is provided for the property

*MB - no variance is required since no parking is provided*

*RG - second – carries unanimously*

RH - accessible ramp and entrance, not enough space to accommodate full size ramp, and historic building registered with the historic registry of buildings  
- seeking variance for ramp and entrance

WW - accept pictures of the exterior of the building as EXHIBIT 2a-f (6 pictures in total)

CN - AAB159 also shows the front entrance of the building

GV - the building fills up the site, and all of the space beyond the building is owned by either the City of Worcester or by a private owner

CS - what about access at the rear of the building?

CN - no, since all of the property around the building is not owned by the building owner

GD - what about a lift  
RH - not enough space to provide a lift through the front entrance door since only 3.8 feet available

WW - anyway to be able to modify the entrance to incorporate a lift to access the building

CN - mid-level entrance so steps up and down

RH - not possible due to the layout of the interior

CN - spending \$600,000 and need to upgrade all systems (sprinkler, new windows, etc.)

GD - did you look at an elevator?

CN - insurance will pay up to \$100,000 for code upgrades and need sprinkler and insulation and plumbing and other life safety upgrades take up those funds

MB - how many steps into the first floor

CN - two steps up into the building, and first floor could be accessible if need be  
- in fact kitchen was previously accessible

MB - door clearances are provided?

RH - can enlarge some of the doors at the first floor and can enlarge hallways, and create access at the first floor

AB - compliant toilet rooms?

RH - yes, it can be done to provide full access at the first floor

MB - submit new design for the first floor

CS - *grant the variance for the lack of accessible entrance, on the condition that the entrance door to have compliant width and hardware and handrails at stairs*

MB - *second –*

WW - *why not a ramp at that space?*  
- *withdraw the motion*

RH - can provide 3 foot clearance between the handrails

WW - what would the ramp slope be since would still need a variance

CN - been waiting 3 months and need to get the work started

MB - *grant the lack of access to the front door, on the condition that provide a ramp to the rear door, with a minimum of 36 inches between the handrails, with finalized variance to be decided upon receipt of the*

*specific dimensions of the landing, slope and entrance door and any additional variance requests, by August 19, 2014*

*CS - second –*

*MB - lighting at the back entrance and an awning over the landing at the door  
- carries unanimously*

*MB - continue the discussion regarding the first floor of the building, for further clarification of the path of travel, the door widths, the door hardware and the design for the bathrooms, bedrooms and the kitchen, also to be submitted by August 19, 2014*

*CS - second – carries unanimously*

*MB - allow construction to begin, with the understanding that the construction can proceed at-risk, with the understanding that the work will be required to comply with the final order of the Board*

*CS - second – carries unanimously*

*RG - expedite the decision*

*MB - second – carries unanimously*

25) Incoming: Commercial Building, 397 Mass. Ave., Arlington (V14-186)

KS - EXHIBIT – variance application and supplemental information

- renovation of existing two-story plus basement building, building constructed in 2 phases, Mass Ave. side constructed prior to 1940, in 1940 the Broadway Addition was built, adding an additional 4,700 square feet to the basement and 1<sup>st</sup> floors

- only spending \$15,000 and spent \$20,000 in March of 2014, building is valued at \$1,022,500; jurisdiction is 3.3.1a

- due to the sloping terrain the Broadway addition floor is 4.5 inches higher where it meets the addition Mass. Ave. building, therefore two ramps are in place to create an accessible path between the two building entrances

- in 2004 a new entrance was created to subdivide the basement space to be used as music practice rooms, and a new accessible entrance and wheelchair lift was installed at 399 Mass. Ave. to provide an accessible route to the basement

- Mass. Ave. side of the first floor is currently occupied by a Helena's, a women's fashion retail store, with the main accessible entrance to the store on Mass. Ave., the Broadway Addition side is also part of the store but is only used as a pass through to the Broadway entrance door

- renovation plan is to subdivide the Broadway Addition and the original Mass. Ave side into two separate tenancies by creating a dividing hallway and new exit door on the side of the building that runs parallel to Franklin St., which would not be an entry but an emergency egress only, and would not be accessible since the floor is 4.5 inches higher than the sidewalk and constructed of concrete structural beams makes lowering the floor infeasible

- the accessible route will remain as before but will require traveling through the new hallway and opening a locked door to exit to the opposite side of the building

- Petitioner adds that all 5 bathrooms are accessible, as well as the two interior ramps and the wheelchair lift

- seeking variance for the lack of an accessible direct second means of egress (20.11.1)

- unsure if variance is even needed based on the exception of 20.11.1

*MB - no variance required since renovation and spending less than 30% and meets exception of 20.11.1*

*CS - second – carries unanimously*

26) Incoming: Hampshire County Courthouse, 99 Main Street, Northampton (V14-187)

KS - EXHIBIT – variance application and supplemental information

- three floor with an attic and belfry, used as Hampshire County Council of Government, Trial Court and Law Library

- spending \$95,000, building is valued at \$2,672,440; jurisdiction is 3.3.1a

- project is the repair of the granite steps at the front and side entrances, and the portico roof

- seeking variance for the stair handrails (27.4, 27.4.2 (height), 27.4.6 (surface))

- seeking to maintain the original center handrail for historic purposes and installing compliant handrails at each side of the steps

*MB - grant as proposed*

*CS - second – carries unanimously*

27) Incoming: Restaurant, 251 Bowdoin Street, Dorchester (V14-188)

KS - EXHIBIT – variance application and supplemental information

- existing restaurant with take-out on first and second floors and 1 apartment on the 3<sup>rd</sup> floor; restaurant and dining areas will be on 1<sup>st</sup> and 2<sup>nd</sup> floors; proposing to construct a 3<sup>rd</sup> floor level without increasing the height of the building

- project is an estimated \$150,000 with additional \$20,000 spent in February of 2014; building is valued at \$97,500; jurisdiction is spending over 30%, 3.3.2

- renovation of existing structure with accessible stair and toilets at 1<sup>st</sup> and 2<sup>nd</sup> floor, new interior partitions, some structural work and new windows

- seeking variance for the installation of an incline wheelchair lift (\$26,000) in lieu of elevator (\$100,000) to provide vertical access to the second floor

- tenant space is 2,174 square feet with 1,087 square feet per floor

*MB - grant the variance for the use of the incline stair lift, on the condition that Boston ISD accepts the installation as meeting the head clearance and clear egress width, to be reported back to the Board by August 19, 2014.*

*CS - second - carries*

28) Incoming: Commercial Building, 195 West Street, Milford (V14-189)

KS - EXHIBIT – variance application and supplemental information

- potential Step in Time Preschool & Daycare Center

- single story building attached to an older house, single story building and second floor of house will be used for daycare, third floor will be teachers' lounge and storage

- proposing \$15,000, building is valued at \$280,100, work performed and change of use (3.4)

- work consists of adding a partition to the first floor to create 2 preschool rooms; remove a wall at the second floor to make an infant and toddler room
- and finish the back of the building and make it a kitchen space (currently no sheetrock, but has electricity and plumbing)
- seeking variance to create an accessible route at the exterior in lieu of interior vertical access
- small daycare not licensed for children with disabilities, however do understand the need for accessibility to the spaces for parents or families
- proposing compliant walkway to the second floor where the infants and toddlers will be
- other preschool rooms are accessible from the front door of the building.
- currently have a daycare center across the street at 194 West Street at the back of a commercial building
- accessible toilet room located at the first floor

*CS - grant proposed lack of access at interior on the condition that exterior walkway proposed to the second floor and toilet room as noted*

*GD - second – carries with AB opposed*

29) Incoming: Alumni Gymnasium, 100 Institute Road, Worcester (V14-190)

- KS - EXHIBIT – variance application and supplemental information
- spending \$10 million, building is valued at \$1,624,700; spending over 30%
  - multiple variance requests

*CS - hearing*

*RG - second – carries unanimously*

**RG left the room**

30) Incoming: City Hall, 795 Massachusetts Avenue, Cambridge (V14-191)

- KS - EXHIBIT – variance application and supplemental information
- existing historic 5 story building used as City of Cambridge offices, meeting rooms, and public areas, work being done at Sullivan Chamber (2,000 sq. ft.)
  - renovation of audiovisual systems, lighting, interior finishes and new acoustic paneling and accessible ramp
  - spending \$1.1 million, and spent \$922,000 in 2012 and \$74,000 in 2011, no assessed value given
  - seeking variance for lack of compliant stair nosings at the existing mayoral rostrum stair nosings, propose ramp to mayoral rostrum, the current only inaccessible space within the building
  - Letter from Kate Thurman, Disability Project Coordinator, on behalf of Cambridge Commission for Persons with Disabilities, in support of variance application

*MB - grant as proposed*

*CS - second – carries unanimously*

31) Incoming: 81 Dwelling Units, 17 Locations, Boston (V14-192)



- KS - EXHIBIT – variance application and supplemental information
- existing 81 units of affordable housing across 17 buildings at multiple locations, built in the early 1900's; each building contains 3 to 6 units and are 3+ stories
  - spending \$8 million, valued at \$6,855,420
  - seeking multiple variances

CS - *hearing*

AB - *second – carries unanimously*

32) Discussion: Meeting Minutes and Decisions from July 14<sup>th</sup>

- KS - any changes?

AB - *accept as amended*

CS - *second – carries with MB and GD abstaining*

33) Incoming: Myopia Hunt Club, Main Clubhouse, 435 Bay Road, South Hamilton (V14-193)

- KS - EXHIBIT – variance application and supplemental information
- spending \$2.5 million, building is assessed at \$5,457,300; over 30%
  - seeking 3 variances
  - these variance were previously granted for a project that never went forward at the Myopia Hunt Club Main Clubhouse in 2005
  - five existing public entrances to the clubhouse, only four will remain after the completion of the renovation
  - Seeking variances for entrances A & C to remain non-compliant. Variances for the other two entrances were previously granted by the Board in Amended Decisions dated June 27, 2006 [Entrance A] and July 26, 2006 [Entrance C]
  - of the four existing entrances to remain, only B is currently accessible; it is connected to the automobile drop-off area via a sloped walkway, and approximately 25 feet from the foot of this walkway is a set of steps to an open porch approximately 35" above grade.
  - the porch wraps around
  - the south side of the clubhouse, and also extends to the southeast to connect with a separate building (the Annex). the south edge of the porch is 6" above the adjacent lawn.
  - Entrances A, C, D are all accessed from this porch with door threshold heights ranging from 4 - 7 inches.
  - a ramp to the porch at Entrance A would be over 40 feet long including landings, would consume much of the drop-off area, and would be detrimental to the historic entrance of the club. Entrances A and C access the same set of entry halls as the accessible Entrance B, which is the preferred entry for many club members.
  - there is a ramp at Entrance D on the existing open porch which will be accessible from the clubhouse interior as well as from the new porch and terrace.
  - There will be five new accessible public entrances to the clubhouse as a result of the renovation [E, F, G, H, & J].
  - At the east end of the building there are seven (7) doors of historic significance which do not comply with the clear width and the door hardware requirements (521 CMR 26.5 and 26.11.1). (labeled 2/3, 4/5, 6, 7, 7A, 8, & 9 on Sheet #1)
  - Doors 6, 7, 7A, 8, and 9 are all 30" or more in clear width. Door 6 is flanked tightly by built-in bookcases which would prohibit change to its width. The others are over 100 years old and their

appearance would be substantially altered if they were required to meet the clear width or hardware requirements.

- The doors in the club are not closed during operating hours.
- while the existing principal circulation route through the building requires passage through the Men's Dining Room and the use of Doors 8 and 9, the new renovation includes a new principal route with compliant openings, and a new compliant door accessing the Men's Dining Room.
- This variance was also previously granted by the board in an Amended Decision date June 27, 2006 "on the condition that they remain propped open".
- Doors 2/3 and 4/5 are approximately 28" wide and access either side of the Men's Bar. This room is paneled throughout and the doors are integral with that paneling. Door 2/3 features a hand painted list of the winners of the club golf championship.
- Petitioners propose to widen Door 4/5, the door linking the entry hall and the Men's Bar, to a clear width of 30.5", this door will be held open during building operation.
- Door 2/3, connecting the Men's Bar to the Polo Room, will remain at 28"
- Petitioners seek a variance from the clear width and hardware requirements for these doors. This variance was previously granted by the Board in an Amended Decision date July 26, 2006.
- the new ramp provided adjacent to Entrance D to provide access to the existing porch (noted on Sheet #1 and a larger scale plan on Sheet #6)
- based on the narrow width of the porch, petitioners are seeking a shorter landing length (4'11") and 3' 6" between the handrails instead of the required 4'
- This variance was previously granted by the Board in an Amended Decision date July 26, 2006.

CS - *grant the variances for entrances A & C*

MB - *second – carries unanimously*

MB - *grant relief on the interior doors, as proposed, on the condition that they use them as proposed*

AB - *second- carries unanimously*

MB - *grant the variance for the ramp as proposed*

AB - *second – carries unanimously*

34) Discussion: Soundings Seaside Resort, 79 Chase Ave., Dennisport (C09-150 & V11-159)

KS - EXHIBIT –July 22, 2014 letter from Leon Narbonne, Managing Member of Soundings Seaside Resort LLC

- seeking issuance of temporary CO until September 15, 2014 for the Nantucket Building (formerly referred to as "Facing the Ocean")
- first two accessible units were completed in May of 2011 and the other two accessible units within the Nantucket Building will not be available until the elevator is completed to create access to the second floor
- elevator is "scheduled to be operational" by August 31, 2014
- property is scheduled to be compliant with the full order of the Board by October 1, 2014

AB - *allow the issuance temporary CO for the Nantucket Building to open and operate until September 15, 2014, with the understanding that the elevator shall be installed and inspected by that time, with a copy of State inspection certificate for elevator to be submitted prior to the issuance of a final OC for that building. The motion is only based on the Board's jurisdiction of 521 CMR and does not extend to any issues that may delay the issuance of a temporary certificate of occupancy based on other CMRs.*

MB - *second – carries unanimously*

- End of Meeting –

Matters not reasonably anticipated 48 hours in advance of meeting:

- Soundings Seaside Resort, 79 Chase Ave., Dennisport (C09-150 & V11-159)
- Arrowhead Museum, 780 Holmes Road, Pittsfield (V13-316)
- Burns Family Trust Parking Lot, 850-856 Washington Street, Weymouth (C13-018)
- Cahoon Museum of American Art, 4676 Falmouth Road, Cotuit (V14-105)

EXHIBITS:

- Arrowhead Museum, 780 Holmes Road, Pittsfield (V13-316) - July 24, 2014 e-mail from Will Garrison, Curator of the Arrowhead Museum, including pictures of the completed work at the Visitor's Center Barn
- Burns Family Trust Parking Lot, 850-856 Washington Street, Weymouth (C13-018) - July 15, 2014 e-mail from Richard Burns, with attached plan of proposed accessible parking spaces
- Intersection of Old Driftway and Stockbridge Road, Scituate (C10-077 and V13-287) - July 9, 2014 letter from Laura Brelsford, Assistant General Manager for System-Wide Accessibility for the MBTA; July 2, 2014 e-mail from William Shine, Community Advocate for Independence Associates, including pictures of the completed sidewalk work
- Casco Crossing Apartments, Buildings 1-4 and Community Building, 168 River Road, Andover (C14-012 & V14-131) - July 22, 2014 letter from Adrienne Manson and Robert Dias, Client Services Advocate for Massachusetts Office on Disability (MOD); July 23, 2014 Fax from Katherine Bishop about notice of visit to her apartment; July 25, 2014 letter from Adrienne Manson
- Lincoln Village, 134 Country Club Boulevard, Worcester (V14-093) - July 17, 2014 submittal from David Goslin, Project Architect (Crosskey Architects)
- Cahoon Museum of American Art, 4676 Falmouth Road, Cotuit (V14-105) - July 16, 2014 (received by the Board July 24, 2014) letter from Steven Cook, Owner of Cotuit Bay Design LLC, seeking Board's approval for temporary CO
- Blackington Building, 572 Main Street, Sturbridge (V14-007) - Decision from June 30, 2014 administrative review of Motion for Reconsideration
- Nappi's Restaurant and Shop & Go Convenience, 370-374 Salem Street, Medford (C11-004 & V12-196) - July 14, 2014 letter from Joseph Nappi; July 21, 2014 letter and plan submittal from Joseph Nappi regarding proposed front entrance ramps
- Soundings Seaside Resort, 79 Chase Ave., Dennisport (C09-150 & V11-159) - July 22, 2014 letter from Leon Narbonne, Managing Member of Soundings Seaside Resort LLC
- Turner's Seafood at Lyceum Hall, 43 Church St., Salem (V14-175) - variance application and supplemental information
- Highland Heights Family Development, Oak Court & Highland Court, Taunton (V14-176) - variance application and supplemental information
- Stockbridge Library, 46 Main Street, Stockbridge (V14-177) - variance application and supplemental information
- 22 Federal Street, Nantucket (V14-178) - variance application and supplemental information; July 11, 2014 letter from Nantucket Commission on Disability
- Commercial Building, 80-90 Glenway Street, Dorchester (V14-180) - variance application and supplemental information

- Ink Block, Apt. Building #1, 300 Harrison Avenue, Boston (V14-181) - variance application and supplemental information
- Ink Block, Apt. Building #2, 310-348 Harrison Avenue, Boston (V14-182) - variance application and supplemental information
- Ink Block, Apt. Building #3, 350-354 Harrison Avenue, Boston (V14-183) - variance application and supplemental information
- Multiple Dwelling, 170 Parker Hill Road, Boston (V14-184) - variance application and supplemental information
- Commercial Building, 181 South Main Street, Middleton (V14-185) - variance application and supplemental information
- Commercial Building, 397 Mass. Ave., Arlington (V14-186) - variance application and supplemental information
- Hampshire County Courthouse, 99 Main Street, Northampton (V14-187) - variance application and supplemental information
- Restaurant, 251 Bowdoin Street, Dorchester (V14-188) - variance application and supplemental information
- Commercial Building, 195 West Street, Milford (V14-189) - variance application and supplemental information
- Alumni Gymnasium, 100 Institute Road, Worcester (V14-190) - variance application and supplemental information
- City Hall, 795 Massachusetts Avenue, Cambridge (V14-191) - variance application and supplemental information
- 81 Dwelling Units, 17 Locations, Boston (V14-192) - variance application and supplemental information
- Myopia Hunt Club, Main Clubhouse, 435 Bay Road, South Hamilton (V14-193) - variance application and supplemental information